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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,527	03/09/2004	Takahiro Yoshida	4041K-000185	4515

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EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,527	YOSHIDA ET AL.	
	Examiner	Art Unit	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claim 12 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species B, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/14/2005.

Claim Objections

2. Claims 8 is objected to because of the following informalities:

Claim 8, line 4, "beam is" should be --beams is--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1,3-11, and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is not clearly understood because it claims only one brace on line 4, but later claims that each of the lower cross car beams "defines said brace". It is unclear how two objects can separately define one brace. The examiner suggests to clarify these limitations by claiming two braces on line 4 and changing the phrases "defines said brace" to --defines one of said braces--, or keep the phrase of line 4 the same and changing the phrases "defines said brace" to --defines a part of said brace--. The examiner has examined the claim based on the second phrasing. If the applicant chooses the first phrasing, then clarification of claim 4 will be required to identify which brace is being claimed.

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Claims 3, 5, 10, 11, 32 and 33 are not clearly understood because they refer to “said lower cross car beam” without specifying which lower cross car beam. It could refer to the first lower cross car beam, the second lower cross car beam, one of the first and second lower cross car beams, or both of the lower cross car beams. The examiner has examined the limitations to mean “one of the first and second lower cross car beams”.

Claim 4 is still unclear because it is still unclear what “a part of the central portion” is. The “central portion” lacks a clear antecedent basis and it is unclear what object has this claimed “central portion”. This rejection can be overcome if the applicant changes “a part of the central portion” to —a part of a central portion of _____—; where in the blank is filled with a claimed element or structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 5, 7, 8, 10, 11, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura (4,671,536).

Yoshimura discloses a reinforcing structure made of an upper cross car beam (32) and a lower cross car beam (33). The beams (32,33) are shown to be hollow bars having closed sections in Figure 2. The upper beam (32) is suspended between the right and left front pillars (3). The lower beam (33) has a part (33a) in contact with upper beam (32) and a part (33b) bent down that is not in contact with the upper beam (32). The part (33b) is a brace

that supports the upper beam (32) and is attached to the vehicle floor, as seen in Figure 3. In reference to claim 4, the brace (33b) is arranged on the central portion of the upper beam (32) and at a part of the lower beam closer to the passenger seat. In reference to claim 7, both part (33b) and part (33a) are shown to have slightly curved portions at the end of each beam, where they are attached to the vehicle's floor and pillar, respectively. In reference to claim 8, both beams (32,33) are shown to have circular cross sections in Figure 2. In reference to claim 10, both beams are shown to have the same shape, area, and thickness in Figures 2 and 6. In reference to claims 11 and 34, the beams nearer to the driver's seat (32,33) are arranged in an arbitrary relative position that includes juxtaposition and superposition, on an axis at a predetermined angle to the steering shaft as shown in Figure 2, in that the beams (32,33) are next to each other with one (33) being slightly above the other (32). In reference to claim 34, the upper cross car beam and the lower cross car beam nearer the front passenger seat are arranged in juxtaposition on an axis crossing another axis set at an angle to the steering shaft. However, Yoshimura does not disclose a lower cross car beam on the front passenger side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a lower cross car beam to the front passenger side of the reinforcing structure of Yoshimura as an obvious duplication of parts that would increase rigidity and allow the vehicle to be used with a steering assembly on either the right-hand side or left-hand side of the vehicle.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, as applied to claim 1, in view of Tanaka et al. (5,238,286).

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Yoshimura, as modified, does not disclose the upper beam and the lower beam being welded along both sides of the area where they contact one another.

Tanaka et al. teach the welding of a cross car beam (1) to the area of contact with brace (2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to weld the upper cross car beam to the part of the lower cross car beam in contact with the upper cross car beam on both sides along the line of contact, both of Yoshimura, as modified, as taught by Tanaka et al. to increase rigidity of the reinforcing structure and reduce vibration.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, as applied to claim 1, in view of Scheidel (6,523,878).

Yoshimura, as modified, does not disclose the upper cross car beam being made of several curved parts.

Scheidel teaches the formation of a cross car beam (5) having several curved parts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the upper cross car beam of Yoshimura, as modified, with several curved parts to provide the desired rigidity as well as providing the needed clearance between the beam and other vehicle components and/or increase leg room for passengers.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, as applied to claim 1, in view of Takano et al. (US 2002/0117842 A1).

Yoshimura, as modified, does not disclose each beam having a reinforcing bridge within it.

Takano et al. teach the addition of reinforcing bridges within a cross beam (5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a reinforcing bridge within each beam of Yoshimura, as modified, as taught by

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Takano et al., to increase the strength of each beam without greatly increasing the weight of each beam.

9. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, as applied to claim 1.

Yoshimura, as modified, discloses separate mounting brackets (32b,33c), as seen in Figure 7, for attaching the upper cross car beam and the lower cross car beam to each side of the vehicle. However, Yoshimura, as modified, does not disclose a single attachment bracket for both the upper cross car beam and the lower cross car beams.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the separate mounting brackets for the upper cross car beam and the lower cross car beams integral with one another to reduce the number of parts needed to assemble the vehicle.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura, as applied to claim 1.

Yoshimura, as modified, does not disclose the end of the upper cross car beam on a front pillar side in contact with an end of a lower cross car beam on a front pillar side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the end of the lower cross car beams of Yoshimura, as modified, such that they are straight and in contact with the end of the upper cross car beam on a front pillar side to reduce costs and time associated with bending this end of the lower cross car beams and reduce the space required to mount the beams to the vehicle.

Response to Arguments

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11. Applicant's arguments filed 2/13/2006 have been fully considered but they are not persuasive. The applicant has argued that the addition of a second lower cross car beam is not merely a duplication of parts. The examiner did not make the rejection of claim 2, not incorporated into claim 1, based on it being "merely a duplication of parts". The rejection set forth in the previous office action adds a lower cross car beam to the front passenger side of the vehicle and it is a duplicate of the one disclosed in Yoshimura. The reason for this addition was stated in the rejection to "increase rigidity and allow the vehicle to used with a steering assembly on either the right-hand side or left-hand side of the vehicle." This reasoning is not "merely a duplication of parts".

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

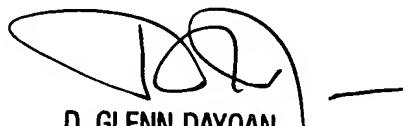
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab
April 14, 2006


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600 4/17/06